

**IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL**

Writ Petition No. 1184 (S/S) of 2007

Shambhu Prasad Vyas S/o Shri Ram Pratap Vyas
Stenographer-II in the office of District Development Officer,
Uttar Kashi -----Petitioner

Versus

1. State of Uttarakhand through Secretary, Rural Development Department, Secretariat, Dehradun
2. District Development Officer, Uttarkashi
3. Collector/ District Magistrate, Uttarkashi
4. Commissioner, Garhwal Division, Pauri, District Garhwal
-----Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri C.D. Bahuguna, learned counsel for the petitioner and Sri H.M. Raturi, learned Standing Counsel for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of mandamus commanding the respondents to absorb the petitioner against the sanctioned post of stenographer in District Development Officer, Uttarkashi, as per relevant rules and Govt. Orders.
2. Issue a writ, order or direction in the nature of mandamus commanding the respondents to grant arrears of pay to the petitioner of the post of stenographer since March 1993, since when the petitioner has been discharging the duties of the post of Stenographer in the officer of District Development Officer, Uttarkashi; and continue to pay the same to the petitioner on the principle of 'equal pay for equal work'.

3. In the alternative, issue a writ, order or direction in the nature of mandamus commanding the respondents to advertise the sanctioned post of Stenographer for being filled-up by direct recruitment, in case the post of stenographer is not found capable of being filled-up by resorting to the rules of absorption. In the case of direct recruitment, the petitioner may be given weightage in matter of appointment on the basis of his long experience, after granting age relaxation.
4. Issue a writ, order or direction in the nature of mandamus commanding the respondents to grant first promotional pay scale to the petitioner on completion of 14 years service in the department and also pay additional increment on completion of 19 years of service in the department, keeping in view the provisions of the Govt. order dated 22.10.2001, contained in Annexure 9 to the writ petition.
5. Issue a writ, order or direction in the nature as this Hon'ble Court may deem fit and proper in the circumstances of the case.
6. Award cost of the petition to the petitioner.

During the course of argument, learned counsel for the petitioner has submitted that raising all his grievances, the petitioner has already moved a representation before Secretary, Rural Development Department, Uttarakhand, Dehradun on 29.11.2006, Annexure 14 to the writ petition and prayed that respondent no. 1 may be directed to take decision on the representation of the petitioner within a particular period.

The prayer is innocuous.

In the facts and circumstances of the case, I deem it fit and proper to direct the Secretary, Rural Development Department, Uttarakhand, Dehradun to take decision on the representation of the petitioner dated 29.11.2006, Annexure 14 to the writ petition within a period of six weeks from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

29.08.2007
VKS